

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

ROBERT COPLAN,
MARTIN NISSENBAUM,
RICHARD SHAPIRO,
BRIAN VAUGHN,
DAVID L. SMITH, and
CHARLES BOLTON,

Defendants.
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(S1) 07 CR 453 (SHS)

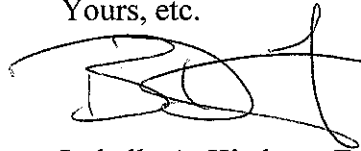
NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed declaration of Isabelle Kirshner, Esq., duly sworn to on the 5th day of May, 2008, the Exhibits annexed thereto, and the accompanying Memorandum of Law, and all proceedings heretofore had herein, the undersigned counsel for Martin Nissenbaum shall move this Court, before the Honorable Sidney H. Stein, at the United States Courthouse, 500 Pearl Street, New York, New York, for an ORDER:

1. Pursuant to Rule 8(b), Fed.R.Crim.P., severing counts five, six, seven, and eight from the remaining counts of the indictment;
2. Pursuant to Rule 7(f), Fed.R.Crim.P., compelling the government to provide the defendant with a bill of particulars;
3. Pursuant to Rule 16, Fed.R.Crim.P., and the rule of Brady v. Maryland, 373 U.S. 83 (1963), compelling the government to comply with its discovery obligations; and
4. For such other and further relief as to this Court may seem just and proper, including leave to join in such applications for pretrial relief as may be filed on behalf of the co-defendants in this prosecution.

Dated: New York, New York
May 5, 2008

Yours, etc.

A handwritten signature in black ink, appearing to be 'Isabelle A. Kirshner', written over a horizontal line.

Isabelle A. Kirshner, Esq. (7133)

Brian D. Linder, Esq. (3581)

CLAYMAN & ROSENBERG

305 Madison Avenue, Suite 1301

New York, New York 10165

(212) 922-1080

Attorneys for Martin Nissenbaum

TO: Clerk of the Court

Lauren Goldberg

Marshall Camp

Assistant United States Attorneys

All Defense Counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

Declaration of Isabelle A. Kirshner
S1 07 Crim. 453 (SHS)

ROBERT COPLAN,
MARTIN NISSENBAUM,
RICHARD SHAPIRO,
BRIAN VAUGHN,
DAVID SMITH and
CHARLES BOLTON,

Defendants.

-----X
ISABELLE A. KIRSHNER, pursuant to 28 U.S.C. §1746, under penalty of perjury,
declares as follows:

- 1) I am a member of the firm of Clayman & Rosenberg, counsel for Martin Nissenbaum, a defendant named in the above entitled indictment. I make this declaration in support of our Motion for a Bill of Particulars.
- 2) On April 9, 2008, on behalf of all the defendants charged in the above entitled indictment, I sent a letter to Assistant United States Attorney Deborah Landis, with copies to Assistant United States Attorneys Lauren Goldberg and Marshall Camp, seeking particulars to the indictment. That letter, attached hereto as Exhibit A, sought information necessary to the defense of this matter.
- 3) On April 22, 2008, AUSA Lauren Goldberg sent a letter to defense counsel declining to provide a response to the particulars sought (See Government's response, attached hereto at Exhibit B).

4) Pursuant to Local Criminal Rule 16.1 of the United States District Court for the Southern and Eastern Districts of New York, I have spoken with AUSA Lauren Goldberg on at least four occasions in a good faith effort to resolve, without the intervention of the Court, the issues raised by our Motion for a Bill of Particulars. While counsel has been provided with some information during those discussions, we have been unable to resolve the issues relating to the particulars which are sought in our motion.

Dated: New York, New York
May 5, 2008

A handwritten signature in black ink, appearing to read 'Isabelle A. Kirshner', written over a horizontal line.

ISABELLE A. KIRSHNER